

# HOUSE BILL No. 5059

August 1, 1991, Introduced by Reps. Dresch, Jaye, Robertson, O'Connor, Shugars, Horton, Middleton, Sikkema, Power, Bobier and McBryde and referred to the Committee on Colleges and Universities.

A bill to protect the free speech rights of college students.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. This act shall be known and may be cited as "the  
2 Michigan collegiate speech protection act".

3       Sec. 2. As used in this act, "state-supported postsecondary  
4 educational institution" means a postsecondary educational insti-  
5 tution that receives money directly from a state appropriation or  
6 that enrolls students who receive financial aid from a  
7 state-funded student financial aid program.

8       Sec. 3. (1) Subject to subsection (2), a state-supported  
9 postsecondary educational institution shall not establish or  
10 enforce a rule or policy that subjects a student to disciplinary  
11 action solely on the basis of conduct that is speech or other

1 communication protected from government restriction under the  
2 first amendment to the constitution of the United States.

3 (2) This section does not apply to a state-supported post-  
4 secondary educational institution that is controlled by a reli-  
5 gious organization to the extent that the application of this  
6 section would not be consistent with the organization's religious  
7 tenets.

8 Sec. 4. A student at a state-supported postsecondary educa-  
9 tional institution may bring a civil action in the circuit court  
10 for violation of this section. If the court finds a violation of  
11 this section, the court shall order appropriate injunctive or  
12 declaratory relief, or both, and shall award costs and reasonable  
13 attorney fees to a prevailing plaintiff.